12670.003.672609v3

2 3 4 5 6 7	JONATHAN R. BASS (State Bar No. 75779) A. MARISA CHUN (State Bar No. 160351) COBLENTZ, PATCH, DUFFY & BASS LLP One Ferry Building, Suite 200 San Francisco, California 94111-4213 Telephone: 415.391.4800 Facsimile: 415.989.1663 Email: ef-jrb@cpdb.com,		
8	UNITED STATES DISTRICT COURT		
9	NORTHERN DISTRICT OF CALIFORNIA		
10			
11	FRITZI BENESCH,	Case No. C 07-3784 EDL	
12	Plaintiff,	ANSWER OF FRITZI BENESCH TO CROSS-COMPLAINT OF SHARON	
13	V.	GREEN	
14	SHARON GREEN; and DOES 1 through 10, inclusive,	DEMAND FOR JURY TRIAL	
15 16	Defendants.		
17	SHARON GREEN,		
18	Cross-Complainant,		
19	V.		
20	FRITZI BENESCH, and ROES 1 through 25, inclusive,		
21 22	Cross-Defendants.		
23	Defendant Fritzi Benesch answers the Cross-Complaint as follows:		
24	Cross-Defendant admits the allegation	ations contained in Paragraph 1.	
25	2. Cross-Defendant admits the allega	2. Cross-Defendant admits the allegations contained in Paragraph 2.	
26	3. Cross-Defendant denies the allega	3. Cross-Defendant denies the allegations contained in Paragraph 3.	
27	4. Cross-Defendant denies the allega	ations contained in Paragraph 4.	
28	5. Answering the allegations contain	ed in Paragraph 5, Cross-Defendant admits that	

ANSWER OF FRITZI BENESCH TO CROSS-COMPLAINT OF SHARON GREEN

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the parties entered into a written agreement, dated July 27, 2000, that provided, among other things, for Cross-Complainant to render legal services, and for Cross-Defendant to pay for said services as set forth in the agreement.

- 6. Answering the allegations contained in Paragraph 6, Cross-Defendant admits the first two sentences thereof and denies the third sentence.
 - 7. Cross-Defendant incorporates her responses to Paragraphs 1–6.
 - 8. Cross-Defendant denies the allegations contained in Paragraph 8.
 - 9. Cross-Defendant incorporates her responses to Paragraphs 1–8.
- 10. Answering the allegations contained in Paragraph 10, Cross-Defendant admits the first sentence thereof and denies the remainder.
 - 11. Cross-Defendant denies the allegations contained in Paragraph 11.

FIRST AFFIRMATIVE DEFENSE

12. Cross-Defendant alleges that the Cross-Complaint, and each and every cause of action stated therein, fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

13. Cross-Defendant alleges that Cross-Complainant's claims are barred by the applicable statutes of limitations, including but not limited to California Code of Civil Procedure sections 337, 339, and 343.

THIRD AFFIRMATIVE DEFENSE

14. Cross-Defendant alleges that Cross-Complainant's claims are barred by the equitable doctrine of laches.

FOURTH AFFIRMATIVE DEFENSE

15. Cross-Defendant alleges that Cross-Complainant, by her own acts and omissions, is estopped from asserting her claims in the Cross-Complaint.

FIFTH AFFIRMATIVE DEFENSE

16. Cross-Defendant alleges that Cross-Complainant's claims are barred, in whole or in part, by Cross-Complainant's consent, authorization and/or ratification.

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SIXTH AFFIRMATIVE DEFENSE

17. Cross-Defendant alleges that Cross-Complainant relinquished and waived any right to assert any of the claims upon which Cross-Complainant now seeks relief.

SEVENTH AFFIRMATIVE DEFENSE

18. Cross-Defendant alleges that Cross-Complainant's claims are barred, in whole or in part, by the defense of payment.

EIGHTH AFFIRMATIVE DEFENSE

19. If Cross-Defendant is liable in any amounts to Cross-Complainant, then Cross-Defendant is entitled to a set-off by reason of the claims set forth in the Complaint in this action.

PRAYER FOR RELIEF

WHEREFORE, Cross-Defendant Fritzi Benesch prays for relief as follows:

- 1. That Cross-Complainant take nothing by her Cross-Complaint;
- 2. For costs of suit, including attorneys' fees; and
- 3. For such other and further relief as the Court deems proper.

DATED: August 13, 2007 COBLENTZ, PATCH, DUFFY & BASS LLP

By: //s//
JONATHAN R. BASS
Attorneys for Plaintiff and Cross-Defendant

FRITZI BENESCH

JURY TRIAL DEMAND

Cross-Defendant hereby demands a jury trial.

DATED: August 13, 2007 COBLENTZ, PATCH, DUFFY & BASS LLP

By: //s//
JONATHAN R. BASS
Attorneys for Plaintiff and Cross-Defendant
FRITZI BENESCH